

United States Court of Appeals for the Fifth Circuit

No. 23-10362

United States Court of Appeals
Fifth Circuit

FILED

September 16, 2024

Lyle W. Cayce
Clerk

ALLIANCE FOR HIPPOCRATIC MEDICINE; AMERICAN
ASSOCIATION OF PRO-LIFE OBSTETRICIANS &
GYNECOLOGISTS; AMERICAN COLLEGE OF PEDIATRICIANS;
CHRISTIAN MEDICAL & DENTAL ASSOCIATIONS; SHAUN
JESTER, D.O.; REGINA FROST-CLARK, M.D.; TYLER JOHNSON,
D.O.; GEORGE DELGADO, M.D.,

Plaintiffs—Appellees,

versus

U.S. FOOD & DRUG ADMINISTRATION; ROBERT M. CALIFF,
Commissioner of Food and Drugs; JANET WOODCOCK, M.D., *in her*
official capacity as Principal Deputy Commissioner, U.S. Food and Drug
Administration; PATRIZIA CAVAZZONI, M.D., *in her official capacity as*
Director, Center for Drug Evaluation and Research, U.S. Food and Drug
Administration; UNITED STATES DEPARTMENT OF HEALTH AND
HUMAN SERVICES; XAVIER BECERRA, *Secretary, U.S. Department of*
Health and Human Services,

Defendants—Appellants,

versus

DANCO LABORATORIES, L.L.C.,

Intervenor—Appellant.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 2:22-CV-223

Before ELROD, HO, and WILSON, *Circuit Judges*.

J U D G M E N T

This cause was considered on the record on appeal and was argued by counsel.

IT IS ORDERED and ADJUDGED that the judgment of the District Court is VACATED, and the cause is REMANDED to the District Court for further proceedings in accordance with the opinion of this Court.

IT IS FURTHER ORDERED that each party bear its own costs on appeal.

James C. Ho, *Circuit Judge*, concurring.



Certified as a true copy and issued
as the mandate on Sep 16, 2024

Attest:

Stacy W. Conner
Clerk, U.S. Court of Appeals, Fifth Circuit